IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23210 of 2004

Between:

P. Reddeppa S/o. P. Venkataramana,

R/o. Mohammadabad Village, Amadugur Mandal,

Anantapur District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Penukonda Mandal,

Anantapur District.
2 The Mandal Revenue Officer, Amadugur Mandal,

Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the order of the 1st respondent passed in Rc. 1776/04 E dt 28-10-3004 as illegal, arbitrary and one without jurisdiction.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner is a Fair Price Shop Dealer of Mohammadabad Village of Anantapur District. The 1st respondent issued a show-cause notice –cum- suspension order, dated 28.10.2004, suspending the authorization of the petitioner on the ground that the essential commodities were not supplied by him to certain cardholders for the past two years and the authorization was not shown to the authorities during the inspection.

Learned counsel for the petitioner submits that the allegation against the petitioner is not true and no cardholder would keep quiet, if the essential commodities are not supplied for such along period of two years and that the entire proceedings were initiated at the behest of the local leaders.

Learned Government Pleader for Civil Supplies, on the other hand, submits that the petitioner had a remedy by way of appeal and no interference is called for at this stage.

Through show cause notice-cum-suspension order, the 1st respondent suspended the authorization of the petitioner. If the petitioner feels aggrieved by the same, he has to prefer an appeal before the Joint Collector. An effort is made on behalf of the petitioner to convince the Court touching on the merits of the matter; for directly

approaching this Court. When an effective remedy is provided for under the A.P.State Public Distribution System Control Order, 2001, this Court is not inclined to adjudicate upon the validity or otherwise of the order of suspension. It shall be open to the petitioner to avail the remedy of appeal.

As regards the state of affairs to be continued pending such appeal, it is strenuously contended that the allegations are cooked up and there is no truth in them. This Court, *prima facie,* is of the view that there are no allegations against the petitioner that he diverted the essential commodities and no cardholder would remain silent, if the supplies are not made for months or years together.

Hence, the writ petition is disposed of leaving it open to the petitioner to prefer an appeal to the Joint Collector. If such an appeal is preferred within two weeks from today, it shall be received as having been presented within time and pending such appeal, the petitioner shall be entitled to continue as Fair Price Shop Dealer. There shall be no order as to costs.

15.12.2004

Note: Issue C.C. in two days.

(B/o)

Jsu

To

1 The Revenue Divisional Officer, Penukonda Mandal,

Ananthapur District.

2 The Mandal Revenue Officer, Amadugur Mandal,

Ananthapur District.

3 2CCs to the G.P. For Civil Supplies, High Court Buildings,

Hydeabad. (O.U.T)

4 2CD cropies